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May 5, 2023

VIA ECF

Hon. Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Re: *S.W. v. New York City Dep't of Educ.*, 23-cv-020 (PGG)(SDA)

Dear Judge Gardephe:

I am the attorney for Plaintiff in the above-referenced action. Pursuant to this action, Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action. Plaintiff also seeks implementation of the terms of an Impartial Hearing Officer's Findings of Fact and Decision ("FOFD") issued following the administrative due process hearing.

The parties write jointly to advise the Court that Plaintiff's implementation claims as raised in the first and second causes of actions in the complaint have been resolved. Accordingly, the sole remaining issue in this matter is Plaintiff's entitlement to reasonable attorneys' fees and costs for work performed in the administrative proceeding, as well as the instant action. Since the implementation claims have now been resolved, Plaintiffs' counsel has requested billing statements from the Cuddy Law Firm business office so that those records can be provided to Defendant's counsel. Plaintiffs' counsel anticipates providing the billing records to Defendant's counsel by early next week. Once provided with the Cuddy Law Firm billing records, Defendant's counsel will attempt to obtain settlement authority from the comptroller.

While the parties are optimistic that the attorney fee claims can be resolved, additional time is needed in order to allow the parties to engage in meaningful settlement discussions. Accordingly, the parties jointly respectfully request that the initial pre-trial conference, scheduled for May 11, 2023, be adjourned *sine die*, and that the parties instead be permitted to submit a joint status letter no later than June 12 2023 updating the Court as to the status of the settlement negotiations and whether the parties believe any discovery or conferences are needed. This is the second request to adjourn the conference *sine die*.

Thank you for your consideration.

Respectfully submitted,

s/ Kevin M. Mendillo

Kevin M. Mendillo

Attorney for Plaintiffs

cc: Bryn M. Ritchie, Esq.
Attorney for Defendant

MEMO ENDORSED:

The conference currently scheduled for May 11, 2023, is adjourned to **June 15, 2023, at 11:00 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: May 8, 2023